

# Exhibit G

March 26, 2019

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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IN RE: CATHODE RAY TUBE (CRT) : MASTER FILE NO.:  
ANTITRUST LITIGATION 07-CV-5944-JST  
: MDL NO.: 1917

- - - - -x

VIDEOTAPED DEPOSITION OF:

DONALD C. CLARK, PH.D.

Washington, D.C.

March 26, 2019

Reported by:  
Misty Klapper, CRR, RMR  
Job No.: 265384

Donald Clark, Jr.  
March 26, 2019

2

March 26, 2019  
9:36 a.m.

Held at the offices of:

BAKER BOTTS, LLP  
1299 Pennsylvania Avenue, N.W.  
Suite 1000  
Washington, D.C. 20006-6801

Taken pursuant to notice, before Misty  
Klapper, Registered Professional Reporter, Certified  
Realtime Reporter, and Notary Public in and for the  
District of Columbia.

Donald Clark, Jr.  
March 26, 2019

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22 CHARLIE WIDNER, VIDEO OPERATOR  
23  
24  
25

Donald C. Clarke, et al.  
March 26, 2019

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## C O N T E N T S

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\*Exhibits marked and attached.

1 P-R-O-C-E-E-D-I-N-G-S

2 VIDEO OPERATOR: This is the  
3 videotaped deposition of Donald Clarke, taken  
4 in the matter of in re: Cathode Ray Tube, CRT  
5 Antitrust Litigation, MDL Number 1917, filed  
6 in the United States District Court for the  
7 Northern District of California, San Francisco  
8 Division, Case Number 3:07-CV-05944-JST.

9 This deposition is being held at  
10 Baker Botts on March 26th 2019. My name is  
11 Charlie Widner from U.S. Legal Support and I'm  
12 the video specialist. The Court Reporter  
13 today is Misty Klapper, also from U.S. Legal  
14 Support.

15 We're going on the record at  
16 9:36 a.m. Counsel has been previously noted  
17 on stenographic record. The Court Reporter  
18 may now swear in the witness.

19 DONALD CLARKE,

20 The Witness herein, called for  
21 examination by counsel for the Direct Purchaser  
22 Plaintiffs, having been duly sworn, was examined and  
23 testified as follows:  
24  
25

EXAMINATION BY COUNSEL FOR THE DIRECT  
PURCHASER PLAINTIFFS

BY MR. RUSHING:

Q. Good morning, Professor Clarke.

A. Good morning.

Q. Is that the way you like to be  
addressed?

A. I don't care.

Q. Okay. My name is Geoff Rushing.  
I'm with the law firm of Saveri & Saveri, Inc.  
I represent, along with others, the Direct  
Purchaser Plaintiffs class in this case.

Robert Klipper is here with me  
from the firm -- from the Kellogg Hansen firm  
and Mark Schirmer is here representing the  
Indirect Purchaser Plaintiffs class.

Can you please state your full  
name and spell it?

A. Donald Clary Clarke,  
D-O-N-A-L-D, middle name C-L-A-R-Y, last name  
C-L-A-R-K-E.

Q. Thank you.

I believe you've had your  
deposition taken before, so I'm going to run  
through the rules of the road quickly here.

1 the top of another document, for example, an  
2 audited financial report?

3 A. I could not say.

4 Q. In paragraph 30 of your  
5 declaration you're referring to this exhibit  
6 and you say, The document itself is labeled  
7 printed by the State-owned Asset Supervision  
8 and Administration Commission, indicating  
9 SASAC's close connection with Irico Display,  
10 not just its grandparent, Irico Group.

11 Do you see that?

12 A. Yes.

13 Q. How -- how does that indicate a  
14 close -- a close connection between SASAC and  
15 Irico Display?

16 A. Well, to me, I drew that -- I  
17 guess I characterized it as indicating a close  
18 connection simply because, you know, for --  
19 for the fact that I stated that SASAC is, you  
20 know, printing up the form for Irico Display  
21 to be using.

22 And, you know, SASAC does not,  
23 to the best of my knowledge, you know, print  
24 up the forms for audit reports for enterprises  
25 that have nothing to do with the state.



1 documents from the late '90s to show, at least  
2 not enough documents that I saw.

3 Q. Okay. But my question is, did  
4 you in -- in -- if you look at subparagraph  
5 D --

6 A. Yes.

7 Q. -- the two thousand -- the  
8 November 2007 recommendation, which is  
9 Irico -- it's the last page of the exhibit --

10 A. Yes.

11 Q. -- the document refers to -- I  
12 mean, the language in the translation it uses  
13 anyway is that the individuals are recommended  
14 to be candidates for the various offices.

15 Do you see that?

16 A. Yes.

17 Q. But then later in that paragraph  
18 you characterize the recommendations as, in  
19 fact, instructions.

20 Do you see that?

21 A. Yes.

22 Q. And the inference -- you -- you  
23 infer that they were, in fact, instructions  
24 based on the fact that -- that they were  
25 all -- they all assumed the positions to which

1           they had been nominated, correct?

2                   A.       Yeah, that that, you know, kind  
3           of makes it evident that they were  
4           instructions.

5                   Q.       Right. And that's -- and -- and  
6           that opinion is based solely on the fact that  
7           they eventually were listed as having those  
8           jobs in the annual report you referred to?

9                   A.       I wouldn't say based solely,  
10          because, I mean, you're -- you're correct that  
11          for the '90s I don't have a piece of evidence  
12          that shows these instructions or these  
13          nominations were ever, you know, actually  
14          effectuated.

15                        But I would be extremely  
16          surprised if they had not been because, you  
17          know, just from, you know, what we know about  
18          Irico Group's relationship with -- sorry,  
19          Irico Display's relationship with -- with  
20          Irico Group and just, you know, frankly, you  
21          know, what -- what I know about corporate  
22          governance in general.

23                        So for -- let me give you an  
24          example. Probably maybe about ten years ago  
25          there were -- the -- the state decided to do

1 some reorganizing of China's mobile telephone  
2 industry. And I think there were about three  
3 companies in that industry, all of which were  
4 publicly listed companies.

5 And they did a -- a kind of a  
6 musical chairs where the head of company A  
7 went to B and B went to C and I think C went  
8 over to A. And, you know, that was all done  
9 very clearly pursuant to a state policy.

10 You know, relevant instructions  
11 were given. I'm sorry to use the passive  
12 rather than the active, because I don't know  
13 who actually gave them, but, you know,  
14 instructions were given that this is going to  
15 happen. Board of directors votes were made to  
16 make these appointments happen.

17 You know, and everybody kind of  
18 understands that in a state, you know,  
19 controlled corporation like that, even if it's  
20 publicly listed, you know, when you get  
21 instructions from -- you know, that have been  
22 clearly -- you know, by senior management that  
23 come from the party personnel department, that  
24 this is what you do.

25 Q. Okay.

1           A.       So that's just kind of the  
2           background from which I'm working when I look  
3           at these documents and see these things. And  
4           that's kind of the background, you know,  
5           knowledge that I'm bringing to it.

6           Q.       But you have no -- there's no  
7           evidence to suggest that these people were not  
8           qualified for the jobs they were nominated to,  
9           correct?

10          A.       Correct.

11          Q.       And did you inquire -- did you  
12          make -- and -- and -- strike that.

13                   And did you inquire as to  
14          whether the proper corporate procedures were  
15          followed as specified, for example, in the  
16          Articles of Association as to this appointment  
17          in November of 2007?

18          A.       November 2007. No, I assume  
19          that the proper procedures were followed and  
20          the shareholders voted as they were supposed  
21          to vote or the directors voted as they were  
22          supposed to vote.

23                   You know, people not following  
24          instructions is very rare. I mean, everybody  
25          kind of understands what you're supposed to

1 do.

2 Q. Okay. All right. I understand  
3 that, but -- but in terms of these specific  
4 appointments to Display --

5 A. Right.

6 Q. -- the people nominated were --  
7 strike that.

8 Do you have any evidence that as  
9 to these specific people appointed or --  
10 strike that.

11 As to these individuals  
12 nominated in November 2007, do you have any  
13 specific evidence that they were not legally  
14 appointed to their positions pursuant to the  
15 company law and the Articles of Association of  
16 Display?

17 A. No, I -- I don't think so.  
18 That's not my kind of claim at all, that there  
19 was something illegal about it.

20 So, for example, if we look at  
21 paragraph D, we see Irico Group, which is at  
22 that time, I think, the grandfather in a  
23 sense, not the direct parent, but the parent's  
24 parent, of Irico Display saying here's the  
25 person we think should be general manager,

1           here's the person we think should be deputy  
2           general manager. Those are board  
3           appointments.

4                       So, you know, who -- who is  
5           reading this document? The person that's  
6           reading this document are the members of the  
7           board of Irico Display, you know, who are  
8           basically appointed, again, by Irico Group.  
9           And they see these instructions and these are  
10          what their superiors are telling them to do  
11          and -- and then they do it.

12                      And the way they obey the  
13          instruction is to cast the necessary vote.  
14          You know, they have a board meeting and they  
15          say okay, so we've been told to appoint this  
16          guy as general manager, this guy as deputy  
17          general manager, this person as chief  
18          financial officer, you know, everybody in  
19          favor, raise their hand. And they'll all  
20          raise their hand. That is how I picture the  
21          process going.

22                      Irico Group cannot, you know,  
23          simply by issuing a document, you know, put  
24          this manager on the payroll, you know. That  
25          has to be -- you know, there has to be the

Donald Clark, PhD  
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1 formal board resolution, especially because  
2 it's a listed company.

3 Q. Right. And so it's your  
4 expectation that the proper procedures were  
5 followed in this case?

6 MR. HUSTON: Objection, asked  
7 and answered.

8 THE WITNESS: Yes, I -- I think  
9 it's very likely the proper procedures, you  
10 know, the formal procedures were followed.

11 BY MR. RUSHING:

12 Q. Okay. Did you review the  
13 Articles of -- strike that.

14 Have you reviewed -- strike  
15 that.

16 Did you review the Display  
17 Articles of Association as part of your work  
18 in preparing this declaration?

19 A. Yeah, my recollection is that  
20 I -- I looked at some of it, some of the  
21 Articles. I believe I had that document  
22 available to me in Chinese in any case.  
23 That's my recollection. I -- I don't think I  
24 cite it in my declaration, so that's why I  
25 can't recall for sure.